

# 2013 Proposed Milford Zoning Changes Adopted by the Milford Planning Board

## 1. Non-Conforming Uses

Amend Article II: Section 2.02.0 Non-Conforming Uses, to modify the name of NON-CONFORMING USES adding additional language

- Amend NON-CONFORMING USES to NON-CONFORMING USES AND STRUCTURES;
- Add language **A use or structure lawfully existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated**

## 2. Non-Conforming Uses and Structures- Continuance, Discontinuance, or Change

Amend Article II: Section 2.03.0 Non-Conforming Uses to modify the section title and amend Section 2.03.1:A and Section 2.03.1:C

Amend Section title NON-CONFORMING USES to read as NON-CONFORMING USES AND STRUCTURES – CONTINUANCE, DISCONTINUACE, OR CHANGE

Amend Section 2.03.1 by replacing in its entirety with the following language:

2.03.1 INTENT: The intent of this section is to allow for the lawful continuance of non-conforming uses, and/or structures and to allow a certain reasonable level of alteration, expansion or change that will not change the nature of the use and unduly impact the neighborhood.

A. Continuance: A non-conforming use **or structure** may be continued, although such use **or structure** does not conform to the current provisions of the Ordinance.

B. Discontinued use: Whenever a non-conforming use has been discontinued for more than one (1) year for any reason, such non-conforming use shall not thereafter be reestablished, and the future use of the property shall be in conformity with the provisions of this Ordinance.

C. **Alteration, Expansion, or Change:** Alterations, expansion, or changes to a non-conforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that:

1. The alteration, expansion, or change shall not change the nature of the original use or structure **and the proposed alteration, expansion, or change shall ~~would~~ involve no substantially different effect on the neighborhood; or,**

2. **In the case of Home Occupations (Article X, Sec.10.02.3), Accessory Dwelling Units (ADU) (Article X Sec.10.02.6) and Office in the Residence A and B Districts (Article X Sec. 10.02.7) the proposed alteration, expansion, or change to a non-conforming use or structure complies with those specific Special Exception criteria governing those uses.**

## 3. Zoning Ordinance Definitions

Amend Article IV: Definitions by modifying “Dwelling, Two-family”, “Accessory Dwelling Unit (ADU”); and “Accessory Use or Structure”; and removing “Portable Sign”

- Amend **Accessory Dwelling Unit (ADU):** A second-~~accessory~~ dwelling unit incorporated within an owner-occupied existing or proposed single-family home, **its** detached **accessory** ~~Incidental~~-structure, or as a stand-alone dwelling unit subordinate to the single-family home. The total area of the **accessory dwelling unit** shall not exceed 700 SF and shall include not

more than one bedroom. Use of the existing curb cut is required and any additional parking should be accommodated by the existing driveway or to the side or rear of the property. **For the purpose of this ordinance an accessory dwelling unit is not considered an accessory use or structure(s).**

- Amend **Accessory Use or Structure**: A use or structure on the same lot with, and of a nature incidental and subordinate to, the principal use or structure. **For the purpose of this ordinance an accessory dwelling unit is not considered an accessory use or structure(s).**
- Remove ~~**Portable Sign**: Any sign that is not permanently affixed to a structure or the ground shall be considered a portable sign. (1988)~~
- Amend **Dwelling, Two-family**: A structure which contains two (2) separate dwelling units, each provided with complete and independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation as well as independent access and egress to and from each **living-unit dwelling unit.** (1986)

#### 4. **Groundwater Protection**

Amend article VI: Section 6.01.0:1.B Definitions to remove the definition of “Junkyard” and replace in its entirety with a revised definition **for consistency with New Hampshire RSA and the definition used in Article IV: Definitions**

- Add **Junkyard**: An establishment or place of business which is maintained, operated, or used for storing and keeping, or storing and selling, trading or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel or other old or scrap ferrous or nonferrous material. Junkyard shall also include any place of business for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary fills. Also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Junkyard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material, which are parts of a motor vehicle or cut up the parts thereof. Also, includes any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of five hundred (500) square feet and as amended by NH RSA 236:112. (2009)

#### 5. **Sign Ordinance Definitions**

Amend Article VII: Supplementary Standards, Section 7.06.3: Definitions by adding “Façade Sign”; and amending “Wall Sign”

- Add **Façade Sign**: See “wall sign.”
- Amend **Wall sign**: Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. This sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building’s parallel wall. Also, fascia signs **or façade signs.**

#### 6. **Sign Ordinance- Permit Not Required**

Amend Article VII: Supplementary Standards, Section 7.06.5 General Administration to make minor administrative updates for ease of use and support in enforcement

- Amend Section 7.06.5:C.17.d— Signs that are temporary in nature and not covered in the foregoing categories provided that such signs meet the following restrictions:
  - d. Such a sign may not be displayed for longer than seven (7) consecutive days ~~or~~ and no more than fourteen (14) days out of any one (1) year period.

## 7. Sign Ordinance- Application Procedure

Amend Section 7.06.5:D.4 by modifying Section 7.06.5:D.4.a; and removing 7.06.5:D.4.d & 7.06.5:D.4.e as redundant to 7.06.5:D.4.a, and amend section 7.06.5:D.8 to include “of any existing sign”

- Amend Section 7.06.5:D.4- Decisions:
  - a. The Code Administrator shall either approve or deny the sign permit application within the time periods specified below after the Code Administrator determines that the application is complete. Applications found to be incomplete shall ~~be denied not be acted upon but~~ returned to the applicant identifying the items needed for completion.
  - b. Upon a finding by the Code Administrator that the sign permit application complies with the provisions of this Article, the Code Administrator shall cause to be issued a sign permit for installation by the applicant. The sign permit shall be issued within ten (10) calendar days of the date on which the application was deemed complete.
  - c. If the sign permit application is denied, the applicant shall be notified within ten (10) calendar days of the date on which the application was deemed complete. The notice of denial shall specifically explain any deficiencies in writing in the application and how the applicant may proceed under this Section and Article 10 of the Zoning Ordinance.
  - ~~d. The Code Administrator shall not consider any sign permit application until the Code Administrator has determined that the application is complete.~~
  - ~~e. No sign permit shall be issued in any case of an incomplete sign permit application.~~
  - f. No sign permit may be issued until all fees have been paid and other requirements of the Sign Ordinance have been satisfied.
- Amend Section 7.06.5:D.8—Amendments: No new sign or modification of the size, materials or design characteristics ~~of any existing sign~~ shall occur unless a new sign permit is issued in accordance with the procedures established by this Article.

## 8. Sign Requirements By Sign Type

Amend Article VII: Supplementary Standards, Section 7.06.7:A Sign Requirements By Sign Type to include the Integrated Commercial Industrial 2 District (“ICI-2”); and remove Section 7.06.7:A.1

- Amend 7.06.7 Sign Requirements By Sign Type — There are eight (8) zoning districts in the Town of Milford: Residence “A” District, Residence “B” District, Residence “R” District, the Commercial District (“C”), the Industrial District (“I”), the Limited Commercial-Business District (“LCB”), the Integrated Commercial Industrial District (“ICI”), ~~and Integrated Commercial Industrial 2 District (“ICI-2”)~~ and the ~~one~~ Oval Sub-District (“OSD”). The maximum cumulative number and maximum cumulative area of all sign structures permitted for any lot, parcel or business within a zoning district is set forth in following sections. This section does not apply to political signs or any other sign displaying a noncommercial message.

- ~~1. In the event the voters shall approve the creation of a second Integrated Commercial Industrial District (“ICI-2”) pursuant to the 2007 Warrant, it is the intent of this Article that the signs permitted in the ICI shall be permitted in the ICI-2. In the event the ICI-2 district is not approved by the voters, then this subparagraph (7.06.7:A.1) is hereby stricken from this Article.~~

**9. Sign Ordinance- Wall Signs (Fascia Sign or Façade Sign)**

Amend Article VII: Supplementary Standards, Section 7.06.7 Sign Requirements By Sign Type to modify Section 7.06.7:E WALL SIGNS (FASCIA SIGN OR FAÇADE SIGN) for consistency by modifying the definition of “wall sign”

- Amend Wall Sign: Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. Window signage shall not be included as total allowable wall sign area. This sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building’s parallel wall. Included within this definition are signs commonly called ~~a~~ fascia signs ~~or a façade signs~~.

**10. Sign Ordinance Tables**

Amend Article VII: Supplementary Standards, Section 7.06.7 Sign Requirements By Sign Type to modify all tables under 7.06.7 to include the ICI-2 District; and amend table 7.06-3, to be consistent and specify the allowable number of square feet for Directional Signs in the Residence “A” District as four (4). (Please see attachment #1)

**11. Senior Housing Development**

Amend Article VII: Supplementary Standards, Section 7.07.3 Occupancy Eligibility for Living Units within Senior Housing Developments, to modify the name of the Occupancy Eligibility for Living Units within Senior Housing Developments

- Amend Section 7.07.3 OCCUPANCY ELIGIBILITY FOR ~~LIVING UNITS~~ DWELLING UNITS WITHIN SENIOR HOUSING DEVELOPMENTS

**12. Telecommunication Facilities Ordinance**

Amend Article VII: Supplementary Standards Section 7.09.0 TELECOMMUNICATION FACILITIES by replacing in its entirety with following revised TELECOMMUNICATION FACILITIES ORDINANCE (Please see attachment 2)

**13. Administrative Relief**

Amend Article X: Section 10.02.6 Accessory Dwelling Units to revise language relative to accessory dwelling units

Section 10.02.6 Accessory Dwelling Units

A. In all cases involving an Accessory Dwelling Unit (ADU):

1. An ADU shall meet the following minimum requirements:

- a. Only one ADU shall be allowed per ~~a~~ property.
- b. The primary dwelling unit shall be owner occupied.
- c. ~~An ADU~~ shall not exceed 700 SF total space.
- d. The ADU shall include no more than one bedroom.
- e. No additional curb cuts shall be allowed.
- f. ~~An attached ADU accessory dwelling units~~ shall have and maintain at least one common interior access between the principal dwelling structure and the ~~ADU accessory dwelling unit~~ consisting of a connector a minimum of 36” in width or a doorway a minimum of 32” in width.

- g. An ADU shall be located in an existing or proposed single-family home, ~~its~~ detached ~~accessory~~ structure(s), or as a stand-alone dwelling unit subordinate to the single-family home.
- ~~h. All criteria of the zoning district including lot sizes, frontages, yard requirements and height requirements must be met.~~
- i. An existing nonconforming single-family residential ~~use~~ structure or its detached ~~accessory incidental structure use~~ shall not be made more nonconforming.
- j. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.